

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Donnie Ray Floyd, #83209-071	)	
	)	
Petitioner,	)	
	)	
vs.	)	Civil Action No.:4:07-261-TLW-TER
	)	
Warden, FCI-Bennettsville,	)	
	)	
Respondent.	)	
	)	

**ORDER**

On January 25, 2007, the petitioner, Donnie Ray Floyd, (“petitioner”) proceeding *pro se*, filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. (Doc. #1). The case was automatically referred to Magistrate Judge Thomas E. Rogers, III, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 (B)(2)(c), DSC. The respondent, Warden, FCI-Bennettsville, (“respondent”) filed a motion for summary judgment on July 20, 2007. (Doc. #19). On July 26, 2007, Magistrate Judge Rogers issued an order pursuant to Roseboro v. Garrison, 528 F.2d 309 (4<sup>th</sup> Cir. 1975), advising petitioner of his responsibility to properly respond to the motion for summary judgment. (Doc. #21).

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Thomas E. Rogers, III, to whom this case had previously been assigned. (Doc. #36). On January 29, 2008, Magistrate Judge Rogers issued the Report. In the Report, Judge Rogers recommends that “respondent’s motion for summary judgment be granted and petitioner’s petition for Writ of Habeas Corpus should be denied, and this petition

dismissed.” (Doc. #36). The petitioner filed no objections to the report. Objections were due on February 19, 2008.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge’s Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4<sup>th</sup> Cir. 1983).

The Court has carefully reviewed the Magistrate Judge’s Report and Recommendation. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge’s Report and Recommendation is **ACCEPTED** (Doc. #36) and the respondent’s motion for summary judgment is granted.<sup>1</sup>

**IT IS SO ORDERED.**

s/Terry L. Wooten

Terry L. Wooten  
United States District Judge

March 5, 2008  
Florence, South Carolina

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<sup>1</sup>As this Order dismisses the petition, the Court hereby renders all outstanding motions **MOOT**.